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Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The First Reading of the following ordinances was held on April 12, 2021.

The Second Reading/Public Hearings are scheduled for April 26, 2021.

21-12 REZONING A 0.194 +/- ACRE OF LAND LOCATED ON THE NORTH SIDE OF WAKEFIELD DRIVE, APPROXIMATELY 100 FEET EAST OF HILLIARD ROME ROAD FROM L-B-3 "OFFICE/INSTITUTIONAL" WITH A LIMITED OVERLAY FOR OFFICE USES TO THAT OF R-2 "LOW/MEDIUM DENSITY RESIDENTIAL".

WHEREAS, Anaya Residences LLC (the "Owner") owns approximately a 0.194± acre of land located on the north side of Wakefield Drive, approximately 100 feet east of Hilliard Rome Road, identified as a portion of Parcel Number 050-000540-00 by the Franklin County Auditor's Office (the "Property"), depicted in **Exhibits "A" and "B"**, attached hereto; and

WHEREAS, Council passed Ordinance No. 07-56 on December 10, 2007, rezoning the Property to B-3 "Office/Institutional" with a Limited Overlay for office uses only; and

WHEREAS, the Owner, having determined that there was more interest in the Property as it was originally zoned, submitted application number 21-0540LR to the City's Planning and Zoning Commission to rezone the Property from its current classification of L-B-3 "Office/Institutional" with a Limited Overlay for office uses only, to that of R-2 "Low/Medium Density Residential"; and

WHEREAS, City staff believes the proposal is consistent with the Hilliard Comprehensive Plan and with the zoning of adjacent residential subdivisions; and

WHEREAS, on March 11, 2021, following its duly advertised public hearing, the Planning and Zoning Commission voted 7-0 to forward a positive recommendation to City Council to rezone the Property to R-2 "Low/Medium Density Residential".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The 0.194 ±acre of land located on the north side of Wakefield Drive approximately 100 feet east of Hilliard Rome Road, the graphical exhibit and legal description of which are **attached** hereto as **Exhibits "A" and "B"** respectively, and incorporated herein, is rezoned from L-B-3 "Office/Institutional" with a Limited Overlay for office uses only to R-2, "Low/Medium Density Residential" pursuant to Chapter 1139 of the City's Codified Ordinances.

SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

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21-13 REPEALING AND REPLACING CHAPTER 709 OF THE HILLIARD CODIFIED ORDINANCES REGULATING ALARM SYSTEMS.

WHEREAS, Chapter 709 of the Codified Ordinances of the City regulates the use of private alarm systems and includes processes for obtaining permits and handling of false alarms; and

WHEREAS, after a review, in order to create a streamlined process that encourages the use of alarms by removing the requirement to obtain a permit while providing for a civil penalty for repeated false alarm responses, it is necessary to repeal and replace Chapter 709; and

WHEREAS, repealing and replacing Chapter 709 governing the use of Alarm Systems in the City of Hilliard will provide clarity to employees and residents to ensure that the City regulations align with how alarm systems function today.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Chapter 709 of the Codified Ordinances of the City is repealed and replaced as shown on Exhibit "A", **attached** hereto and incorporated herein.

SECTION 2. City Council finds that repealing and replacing Chapter 709 of the City's Codified Ordinances is in the City's best interest. Chapter 709 of the Codified Ordinances of the City is enacted as rewritten herein in the attached Exhibit "A" and shall be incorporated into the City's Codified Ordinances, from and after the effective date of this Ordinance.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

21-14 ENACTING SECTION 126.01 AND AMENDING CHAPTER 907 TO AUTHORIZE THE CITY MANAGER TO PERMIT MINOR ENCROACHMENTS ONTO CITY RIGHT-OF-WAY AND CITY-OWNED PROPERTY.

WHEREAS, Chapter 907 of the City's Codified Ordinances governs right-of-way management in the City; and

WHEREAS, because Chapter 907 is designed to address utility usage of the right-of-way, it is necessary to provide regulations for non-utility, minor commercial encroachments into the right-of-way; and

WHEREAS, the City finds that permitting minor encroachments into City-owned property may also be beneficial to the community; and

WHEREAS, it is necessary to add Section 126.01 and Chapter 907 of the City's Codified Ordinances to add regulations regarding these minor encroachments; and

WHEREAS, enacting Section 126.01 outlining regulations governing minor encroachments and amending Chapter 907, as shown on Exhibits "A" and "B" is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. City Council finds that enacting Section 126.01 of the City's Codified Ordinances, as shown on Exhibit "A", attached hereto and incorporated herein, is in the best interest of the City and its residents. Section 126.01, as shown on

Exhibit "A" is approved and shall be incorporated into the City's Codified Ordinances, from and after the effective date of this Ordinance.

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21-14 continued:

SECTION 2. City Council finds that the amendments to Chapter 907, as shown on Exhibit “B”, **attached** hereto and incorporated herein, is in the best interest of the City and its residents. The changes and additions to Chapter 907, as shown and identified in track changes on the attached Exhibit “B”, are approved.

SECTION 3. All other provisions of Chapter 907, not modified or deleted herein, remain unchanged and are in full force and effect.

SECTION 4. This Ordinance shall be in full force and effect at the earliest time provided for by law.

21-15 APPROPRIATING FUNDS FOR RECRUITMENT SERVICES FOR A DEPUTY CHIEF OF POLICE AND AUTHORIZING AN EXPENDITURE OF THOSE FUNDS.

WHEREAS, pursuant to Section 6.10 of the Charter of the City of Hilliard, Council may amend the appropriation ordinance, provided the ordinance as amended does not authorize the expenditure of more revenue than is estimated; and

WHEREAS, by passage of Ordinance No. 20-28 on November 23, 2020, City Council adopted the City’s 2021 Operating Budget; and

WHEREAS, on May 21, 2021, current Deputy Chief Eric Grile will be promoted to Chief of Police, following the retirement of Chief Fisher, leaving the Deputy Chief of Police position vacant, which is an authorized position in Section 127.04 of the City’s Codified Ordinances; and

WHEREAS, the City Manager desires to fill this position in the upcoming months, therefore, an appropriation from the City’s General Fund to pay for recruitment services is necessary; and

WHEREAS, the City Manager believes that this appropriation is in the City’s best interests.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An appropriation in the amount of \$30,000 from Fund 101, Object 53 for the purpose of recruitment services to fill the Deputy Chief of Police position.

SECTION 2. City Council authorizes the expenditure of funds from Fund 101, Object 53 for recruitment services to fill the Deputy Chief of Police position.

SECTION 3. Pursuant to Section 3.07 of the Charter for the City of Hilliard, Ohio, this Ordinance shall take effect upon passage.

The following Ordinances were passed on April 12, 2021.

21-10 APPROPRIATING FUNDS FOR IMPROVEMENTS TO FATHER DIPIETRO PARK, CONSTRUCTION OF THE HAYDEN RUN TRAIL EXTENSION, CONSTRUCTION OF THE UPPER SCIOTO WEST SANITARY SEWER LIFT STATION AND FORCE MAIN, AND CONSTRUCTION OF THE POINT PLEASANT BOOSTER STATION.

WHEREAS, the City owns the land located at 3481 Davidson Road, on which Father Roderic J. DiPietro Park is located; and

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21-10 continued:

WHEREAS, the City desires to improve amenities at the Father Roderic J. DiPietro Park (collectively, the “Park Project”) to better serve the community and make the park more accessible; and

WHEREAS, the City has grants totaling \$550,000 from the State of Ohio, administered by the Ohio Department of Natural Resources which will reimburse the City for \$539,750 of the costs of the Park Project and to complete the Park Project, an additional appropriation in the amount of \$539,750 is required; and

WHEREAS, the City received funding through the State Capital Budget (SB 310) for the Hayden Run Trail Extension between Leppert Road and the Heritage Trail (the “Trail Project”).

WHEREAS, funding for this project was not included in the 2021 Capital Improvement Budget, therefore, a \$300,000 supplemental budget appropriation for CIP T-133 is requested to fund design and award of the Project in 2021 to meet funding deadlines; and

WHEREAS, the Point Pleasant Booster Station Water Improvements bid exceeded the engineer’s estimate (the “Water Project”); and

WHEREAS, the Amazon Data Services has agreed to contribute \$650,000 for the extension of the Upper Scioto West Sanitary Sewer force main, gravity main and lift station (collectively, the “Sewer Project”) requires an additional appropriation of \$650,000; and

WHEREAS, on November 23, 2020, City Council approved Ordinance No. 20-27 (the “2021 Capital Budget”), which approved \$150,000 for the Park Project and \$3,553,600 for the Sewer Project; and

WHEREAS, on December 9, 2019, City Council approved Ordinance No. 19-32 (the “2020 Capital Budget”), which approved \$135,000 for the Water Project; and

WHEREAS, by passage of Ordinance No. 18-21, effective November 22, 2018, Hilliard City Council amended the Codified Ordinances of the City of Hilliard, Ohio to establish a Percent for Public Art Program Fund, which shall receive an amount not less than one percent (1%) of the construction cost of an Eligible Project; and

WHEREAS, the Park, Sewer and Trail Project meet the criteria of an Eligible Project for inclusion in the Percent for Public Art Program Fund; and

WHEREAS, once a contractor has been selected, legislation will be introduced requesting authorization to enter into a contract with the contractor to construct the Projects.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An appropriation in the amount of \$539,750 is authorized from Fund 304, Object 55/53 for CIP LB-17 for the purpose of designing and constructing the amenities in Father Roderic J. DiPietro Park.

SECTION 2. An appropriation in the amount of \$650,000 is authorized from Fund 304, Object 55/53 for CIP S-28 for the purpose of designing and constructing the Upper Scioto West Sanitary Sewer force main, gravity main and lift station.

SECTION 3. An appropriation in the amount of \$22,000 is authorized from Fund 304, Object 55/53 for CIP W-45 for the design and construction of the Point Pleasant Booster Station improvements.

SECTION 4. An appropriation in the amount of \$300,000 is authorized from Fund 304, Object 55/53 for the design and construction of the Hayden Run Trail extension.

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21-10 (continued):

SECTION 5. The City Manager is further authorized to enter into agreements as may be necessary and appropriate for obtaining grant funding for these projects. Such agreements shall be approved as to form by the City Law Director and in accordance with all authority granted to the Director of Finance, as evidenced by his signature therein, and any limitations imposed thereby.

SECTION 6. This Ordinance shall be in effect from and after the earliest time provided for by law.

21-11 AUTHORIZING THE CITY'S ACCEPTANCE OF THE TRANSFER OF 0.289 ±ACRES OF LAND FROM THE CITY OF COLUMBUS TO THE CITY OF HILLIARD FOR RIGHT OF WAY PURPOSES.

WHEREAS, the City of Hilliard is designing an improvement to extend a trail on the west side of Frazell Road from Rosecliff Drive to Frank's Park; and

WHEREAS, property record research conducted to prepare detailed construction drawings revealed that the existing corporation boundary line between the City of Hilliard and the City of Columbus is offset approximately twenty feet from right-of-way line; and

WHEREAS, the City of Hilliard and the City of Columbus desire to have the corporation limit coincide with the right-of-way line; and

WHEREAS, pursuant to R.C. 709.37, any two-adjointing municipal corporations may agree to change the boundary line separating such municipal corporations; and

WHEREAS, as required by law for boundary line adjustments, the Property cannot, and does not, contain more than five voters.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City of Hilliard accepts the transfer of 0.289 ±acres into its corporate boundaries as depicted in Exhibit "A", **attached** hereto and incorporated herein, for right of way purposes.

SECTION 2. The City of Hilliard approves the updated legal and boundary description of the Property, as described in Exhibit "A", **attached** hereto and incorporated herein, for right of way purposes.

SECTION 3. The City is authorized to approve any necessary administrative changes to the Boundary Legal and Description, as may be required by Franklin County.

SECTION 4. The Clerk of Council, in accordance with R.C. 709.37, shall immediately forward a certified copy of this Ordinance, along with all exhibits, to the Franklin County Commissioners for further proceedings in accordance with law.

SECTION 5. As required by law, the County Commissioners shall approve the boundary line adjustment and apportion the recording fees between the two jurisdictions.

SECTION 6. The City Manager and Director of Law are authorized to affect the proper recording of the City's acceptance and to pay the costs thereof as required.

SECTION 7. This Ordinance shall be in full force and effect from and after the earliest period provided by law.

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RESOLUTIONS

The following Resolutions were passed by Hilliard City Council on April 12, 2021.

21-R-22 APPROVING CHANGES TO SUBAREAS 2&3 OF THE SQUARE AT LATHAM PARK PLANNED UNIT DEVELOPMENT (“PUD”) TO PERMIT A VEHICLE WASH FACILITY, A SECOND DRIVE-UP WINDOW, AND TO REVISE THE COMMON AREA MAINTENANCE RESPONSIBILITIES.

WHEREAS, City Council approved a Planned Unit Development District (“PUD”) consisting of 33.8± acres of land for The Square at Latham Park PUD by passage of Ordinance No. 10-12, effective September 23, 2010 (the “Square at Latham Park PUD”); and

WHEREAS, Latham Commercial Partners, LLC (the “Owner”) owns 8.177± acres of land located on the north side of Scioto-Darby Road at Alton-Darby Road in The Square at Latham Park PUD, identified as parcel number 050-011312 by the Franklin County Auditor’s Office (the “Property”); and

WHEREAS, Council adopted Resolution NO. 20-R-33 approving a modification of the Square at Latham Park PUD Concept Plan and Development Plan Text to revise vehicular access, to permit a Drive-Up Window access drive in front of the building, to permit a gas pump island canopy to be wider than the width of the building, and to revise the parking lot screening requirements for the sides and rear in Subarea 2; and

WHEREAS, the Owner and KL Petroleum Partners LLC (the “Applicant”) submitted application number 21-0543LC to the City’s Planning and Zoning Commission to modify The Square at Latham Park PUD Development Plan Text to permit a second drive-up window, a vehicle wash facility, and to revising common area maintenance responsibilities within Subareas 2, 3, and 4; and

WHEREAS, staff finds that the proposal represents a reasonable effort toward the accomplishment of the original PUD Concept Plan as approved by Council and such requested modifications are not in conflict with the general health, safety, and welfare of the public or the development standards of the Planned Unit Development District; and

WHEREAS, at its regularly scheduled and advertised meeting on March 11, 2021, the City’s Planning and Zoning Commission voted to forward a positive recommendation to City Council that The Square at Latham Park PUD Development Plan Text be revised as proposed; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The Development Plan Text for The Square at Latham Park PUD is amended by permitting a second drive-up window, a vehicle wash facility, and to revising common area maintenance responsibilities within Subareas 2, 3, and 4.

SECTION 2. The amended Development Plan Text, **attached** hereto as Exhibit “A” and incorporated herein by reference, is approved and shall hereafter be included in The Square at Latham Park PUD Concept Plan and Development Plan Text.

SECTION 3. This Resolution is effective upon its adoption.

21-R-23 AUTHORIZING CITY COUNCIL TO ENTER INTO A SETTLEMENT AGREEMENT WITH CLARK SCHAEFER HACKETT & CO.

WHEREAS, on October 2, 2019, the City of Hilliard filed suit against Clark, Schafer, Hackett & Co. (the “Firm”); and

WHEREAS, the City and the Firm desire to settle any and all disputes between them; and

WHEREAS, authorization for this Settlement Agreement is in the City’s and of its residents’ best interests.

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21-R-23 continued:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard that:

SECTION 1. City Council hereby authorizes the City Manager to enter into a Settlement Agreement with Clark Schaefer Hackett & Co., **attached** hereto as Exhibit "A" and incorporated herein.

SECTION 2. This Resolution is effective upon its adoption.

21-R-24 AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONVEYANCE OF A GENERAL WARRANTY DEED FOR 0.289 ±ACRES OF REAL PROPERTY ON FRAZELL ROAD FROM HOMEWOOD CORPORATION FOR THE PURPOSE AS PUBLIC RIGHT-OF-WAY.

WHEREAS, Frazell Road was annexed into the City of Hilliard in 1976 by passage of Ordinance No. 76-5; and

WHEREAS, Homewood Corporation owns approximately 0.289 ±acres of real property located on Frazell Road, identified as parcel number 560-147862 by the Franklin County Auditor's Office (the "Property"); and

WHEREAS, the Property is located in public right-of-way but Homewood Corporation retains ownership of the Property; and

WHEREAS, Homewood Corporation has executed a General Warranty Deed to the City of Hilliard for the conveyance of the 0.289 ±acres of real property as identified on Exhibit "A", attached hereto and incorporated herein, to the City as public right-of-way; and

WHEREAS, the City of Hilliard desires to accept the Property to ensure proper maintenance and operation of the street, street signs, drainage, and pedestrian facilities; and

WHEREAS, it is in the interest and benefit of the City of Hilliard and the public-at-large that the City accept this land as public right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City Manager is authorized to accept 0.289 ±acres as public right-of-way by General Warranty Deed, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

21-R-24 continued:

SECTION 2. Upon recording of the deed, the 0.289 ±acres included in the deed is hereby conveyed as public right-of-way.

SECTION 3. The City Manager is authorized to approve any necessary administrative changes to the General Warranty Deed to affect the proper form and recording of the General Warranty Deed conveying the 0.289 ±acres to the City as public right-of-way.

SECTION 4. This Resolution is effective upon its adoption.

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21-R-25 AUTHORIZING THE CITY MANAGER TO GIVE CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE CONSTRUCTION OF FRA-270-12.50 AT CEMETERY ROAD (ODOT PID NUMBER 113655)

WHEREAS, the Ohio Department of Transportation (ODOT) has identified the need for the following described project:

This project proposes to lengthen and improve the offset of the eastbound left-turn lane on Cemetery Road at the I-270 northbound ramp, install quick curb or permanent median modifications, and rebuild the traffic signal with backplates and supplemental signal heads within the City limits, as part of the project PID 113655, FRA-270-12.50 at Cemetery Rd (hereinafter, the "Project"); and

WHEREAS, the Project is identified as CIP T-153 Cemetery Road/I-270 NB Ramp Intersection & Signal Improvement in the 2021-2025 City of Hilliard Capital Improvement Program adopted by Hilliard City Council by Resolution 20-R-93 on November 23, 2020; and

WHEREAS, ODOT obtained a federal safety fund grant through the Highway Safety Improvement Program (HSIP) and agrees to assume and bear the costs of preliminary engineering, right-of-way, and construction by administering Federal and State funds for this project; and

WHEREAS, the City of Hilliard is responsible for any costs or features requested by the City which are not necessary for the Project as determined by ODOT and the Federal Highway Administration; and

WHEREAS, the City of Hilliard desires to give consent and agrees to cooperate with ODOT for the design and construction of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Being in the public interest, the City of Hilliard gives consent to the Director of Transportation of the Ohio Department of Transportation (ODOT) to complete the Project.

SECTION 2. The City of Hilliard hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to ODOT for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director.

SECTION 3. The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

SECTION 4. The City agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. Right-of-way costs include eligible utility costs. ODOT agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5. Upon completion of the project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 6. The City Manager is authorized to enter into contracts with the Director of Transportation necessary to complete the Project.

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21-R-25 continued:

SECTION 7. This Resolution is effective upon its adoption.

21-R-26 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FRANKLIN COUNTY ENGINEER FOR THE SEDIMENT CLEANING AND STREAM BANK CLEARING OF A PORTION OF HAMILTON DITCH (ST-42); AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, Hamilton Ditch is located in the Big Darby Creek watershed on the west side of the City of Hilliard; and

WHEREAS, natural stream restoration of the Hamilton Ditch is consistent with the Big Darby Accord Plan, and will improve water quality, aquatic and terrestrial habitat of the ditch; and

WHEREAS, on November 26, 2012, Hilliard City Council approved Resolution No. 12-R-52 (Amended), authorizing the Director of Public Service to enter into a stream restoration project on Hamilton Ditch North near the Heritage Preserve subdivision (ST-38) (the "Stream Restoration"); and

WHEREAS, the Stream Restoration was completed in 2014; and

WHEREAS, the portion of the Hamilton Ditch south of the Stream Restoration has high levels of silt and channel bank overgrowth, causing Hamilton Ditch North to hold stormwater runoff and not function as the Stream Restoration design intended; and

WHEREAS, the City of Hilliard made attempts with the property owners south of the Stream Restoration to cooperatively work on a stream cleaning and channel bank clearing project (the "Project"), but to no avail; and

WHEREAS, the Franklin County Engineer's office has found a legal means to complete the Project and has asked the City of Hilliard to participate in funding the Project; and

WHEREAS, the Franklin County Engineer's Office is the lead agency on the Project and intends to enter into a construction contract with J & J Schlaegel, Inc. for construction of the Project; and

WHEREAS, construction of the Project is expected to be complete in summer 2021; and

WHEREAS, completion of the Project will allow the Stream Restoration to function as originally designed and intended, thereby improving the water quality, aquatic, and terrestrial habitat of Hamilton Ditch; and

21-R-26 continued:

WHEREAS, funds in the amount of \$111,800 to pay for the City's portion of the construction costs were appropriated in the 2021 Capital Improvements Budget as part of CIP ST-42 Joint Storm Water Quality and Erosion Control Projects by Ordinance No. 20-27, passed by Hilliard City Council on November 23, 2020, and pursuant to Section 3.10 of the City's Charter, authorization to fund the City's portion of design and construction related to the Project may be established by resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An expenditure in the amount of \$111,800 is authorized from Capital Improvement Fund 269, Object 53 to pay the City's portion of the Project's cost.

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21-R-26 continued:

SECTION 2. The City Manager is authorized to enter into an agreement with the Office of the Franklin County Engineer for the construction and construction inspection and testing for the Project in a form substantially similar to the one **attached** hereto as Exhibit "A" and incorporated herein.

SECTION 3. The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds authorized herein.

SECTION 4. This Resolution is effective immediately upon its adoption.

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